

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC., et al.

Defendants.

Civ. No. 04-CV-11136-GAO

**PLAINTIFF'S MOTION FOR LEAVE TO SUBMIT A REPLY MEMORANDUM IN
SUPPORT OF PLAINTIFF THE FEDERAL TRADE COMMISSION'S MOTION FOR A
MODIFICATION OF THE JUNE 23, 2004 PRELIMINARY INJUNCTION AS TO
DEFENDANTS DIRECT MARKETING CONCEPTS, INC., ITV DIRECT, INC., AND
DONALD W. BARRETT AND REQUEST FOR EXPEDITED TREATMENT**

Plaintiff the Federal Trade Commission (the Commission") respectfully moves this Court for leave to file the attached Reply Memorandum in Support of Plaintiff Federal Trade Commission's Motion for a Modification of the June 23, 2004 Preliminary Injunction as to Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., and Donald W. Barrett and Request for Expedited Treatment. The Commission requests the opportunity to address the Defendants' numerous misleading statements in (and omissions from) their Opposition to the Commission's Motion. The Commission believes that consideration of the attached memorandum will assist the Court in analyzing the Commission's request for appointment of a receiver for ITV Direct, Inc., and DMC, Inc., for the remainder of this litigation.

Counsel for Defendants Donald W. Barrett, Robert Maihos, ITV Direct, Inc., and DMC, Inc. has assented to the Commission's filing of this reply memorandum.

Dated: June 23, 2005

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'DK', is written over a horizontal line.

DANIEL KAUFMAN
KIAL S. YOUNG (Mass. Bar No. 633515)
EDWARD GLENNON
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Mail Drop NJ-3212
Washington, DC 20580
Tel: (202) 326-2675/3126
Fax: (202) 326-3259

ATTORNEYS FOR PLAINTIFF